Immigration and Refugee Board of Canada

Performance Report

For the period ending
March 31, 2010

The original version was signed by
The Honourable Jason Kenney
Minister of Citizenship, Immigration and Multiculturalism

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MESSAGE FROM THE CHAIRPERSON

I am pleased to present the *2009-10 Performance Report* for the Immigration and Refugee Board of Canada (IRB). This report is a balanced and comprehensive review of the IRB's performance and accomplishments as set against stated plans and priorities for 2009-10.

The IRB is an independent tribunal established by Parliament to resolve immigration and refugee cases efficiently, fairly and in accordance with the law. Through the work of its three divisions, namely the Refugee Protection Division (RPD), the Immigration Division (ID) and the Immigration Appeal Division (IAD), the Board contributes directly to Canada's humanitarian traditions, the security of Canada and the quality of life of Canadians.

Thanks to the continued commitment of the Minister of Citizenship, Immigration and Multiculturalism to address the shortfall in IRB Governor in Council (GIC) decision-makers, the Board ended the reporting period with a nearly full complement of decision-makers in both the RPD and IAD. I am grateful for the Minister and Government's support in this regard, and am proud of the rigorous, merit-based selection process which ensured that a pool of highly qualified candidates was available for the GIC's consideration for appointment.

As a result of the large number of new GIC decision-makers who joined the Board in 2009-10, the IRB turned its focus and devoted significant resources to training. The Board enjoys a strong reputation both in Canada and around the world for the quality of its decision-maker training program, which encompasses classroom and practical learning activities, individual coaching and mentoring, and ongoing monitoring and feedback. Given the life-changing nature of the decisions rendered by the IRB, it is critical that decision-makers have the personal attributes, knowledge, skills and experience necessary to exercise their important functions.

A COMPLEX ENVIRONMENT

The Board operates in a complex environment in which it has no control over the number, type or timing of cases brought before it. In the RPD, new refugee claim referrals decreased in 2009-10 following several years of sustained growth. This decline, which is attributable to Government policy measures among other factors, contributed to the IRB's success in stopping the growth of its inventory of unresolved refugee protection claims. However, the size of the pending inventory, which stood at 59,000 on March 31, 2010, is such that significant new resources will be required to eliminate or substantially reduce it. In this regard, the Board has worked with the Minister's office, the Department of Citizenship and Immigration, the Treasury Board Secretariat and the Privy Council Office on funding options to address the inventory.

Intake remained high for the IAD and the ID throughout the reporting period, placing significant demands on decision-makers and adjudicative support personnel in both divisions. The ID in particular faced workload challenges in relation to the detention reviews arising from an influx of marine arrivals from Sri Lanka in British Columbia in October 2009. Thanks to the hard work and dedication of ID decision-makers and other Board personnel, the IRB responded quickly and effectively to this unexpected spike in intake.

SUSTAINED RESULTS FOR CANADIANS

The Board has a long history of innovation in how it carries out its work, and in 2009-10 the IRB continued to enhance the efficiency of its processes without compromising fairness. Through increased reliance on expedited case processing and pre-hearing conferences to narrow issues and improve case readiness, among other initiatives, the Board enhanced productivity at both the individual decision-maker and organizational levels. In addition, performance measurement and monitoring was reinforced during the reporting period. Activities in this area include the launch of a pilot project to assess the quality of proceedings and decisions, which holds particular promise as a management tool to monitor the quality of adjudicative processes far more comprehensively than is currently possible.

THE CHALLENGES AHEAD

The year ahead promises to be challenging for the IRB. With the passage of the *Balanced Refugee Reform Act* in June 2010, the Board will need to mobilize all its resources and personnel to ensure the successful implementation by the coming into force date of the new system, while doing its utmost to maintain productivity during the transition period.

I am proud that the IRB can count on a dedicated staff composed of both public servants and GIC appointees. I thank them for the innovative practices, their dedication and the hard work accomplished this past year, and I know I can count on them for the coming challenges.

The original version was signed by
Brian Goodman
Chairperson

SECTION I
OVERVIEW

RAISON D'ÊTRE AND RESPONSIBILITIES

The Immigration and Refugee Board of Canada (IRB) is an independent administrative tribunal that was created on January 1, 1989, by an amendment to the *Immigration Act*.

MISSION
Our mission, on behalf of Canadians, is to resolve immigration and refugee cases efficiently, fairly and in accordance with the law

In 2002, the *Immigration Act* was replaced by the *Immigration and Refugee Protection Act* (IRPA) from which each IRB division gets its mandate.

IRB Division Mandates
Refugee Protection Division (RPD)
▪ Decides claims for refugee protection ▪ Decides applications for vacation of refugee protection ▪ Decides applications for cessation of refugee protection
Immigration Division (ID)
▪ Conducts admissibility hearings for foreign nationals or permanent residents who seek entry into Canada, or who are already in Canada and are alleged to be inadmissible ▪ Conducts detention reviews for foreign nationals or permanent residents who are detained for immigration reasons
Immigration Appeal Division (IAD)
▪ Hears appeals of family sponsorship applications refused by Citizenship and Immigration Canada (CIC) ▪ Hears appeals from certain removal orders made against permanent residents, Convention refugees and other protected persons, and holders of permanent resident visas ▪ Hears appeals by permanent residents against whom a CIC officer outside Canada has decided that they have not fulfilled their residency obligation ▪ Hears appeals by the Minister of Public Safety of ID decisions at admissibility hearings

An overview of the IRB is available at www.irb-cisr.gc.ca/eng/brdcom/publications/oveape/Pages/index.aspx

REGIONAL OPERATIONS

The IRB carries out its work in three regional offices in Toronto, Montréal and Vancouver: the Central Region is responsible for Ontario, except for the Ottawa area; the Eastern Region is responsible for Quebec, the Ottawa area and the Atlantic provinces; and the Western Region is responsible for the Western provinces. All three divisions hold hearings in these regions, supported by adjudicative and corporate support. The IRB also has offices in Calgary and Ottawa in which hearings are held. Internal and support services are managed at IRB Headquarters, located in Ottawa.

ADMINISTRATIVE JUSTICE

Through each division, the IRB strives to deliver a simpler, more accessible and expeditious form of justice than that provided by the courts, but with no less attentiveness to procedural fairness, the rigour of the law and its application to the particular facts of each case. The IRB applies the principles of administrative law, including those of natural justice, in its proceedings and resolutions, and decisions are rendered in accordance with the law, including the *Canadian Charter of Rights and Freedoms*.

The IRB is committed to fairness in all aspects of its work. The Board respects the dignity and diversity of individuals who appear before it, some of whom have experienced very difficult circumstances.

BENEFITS FOR CANADIANS

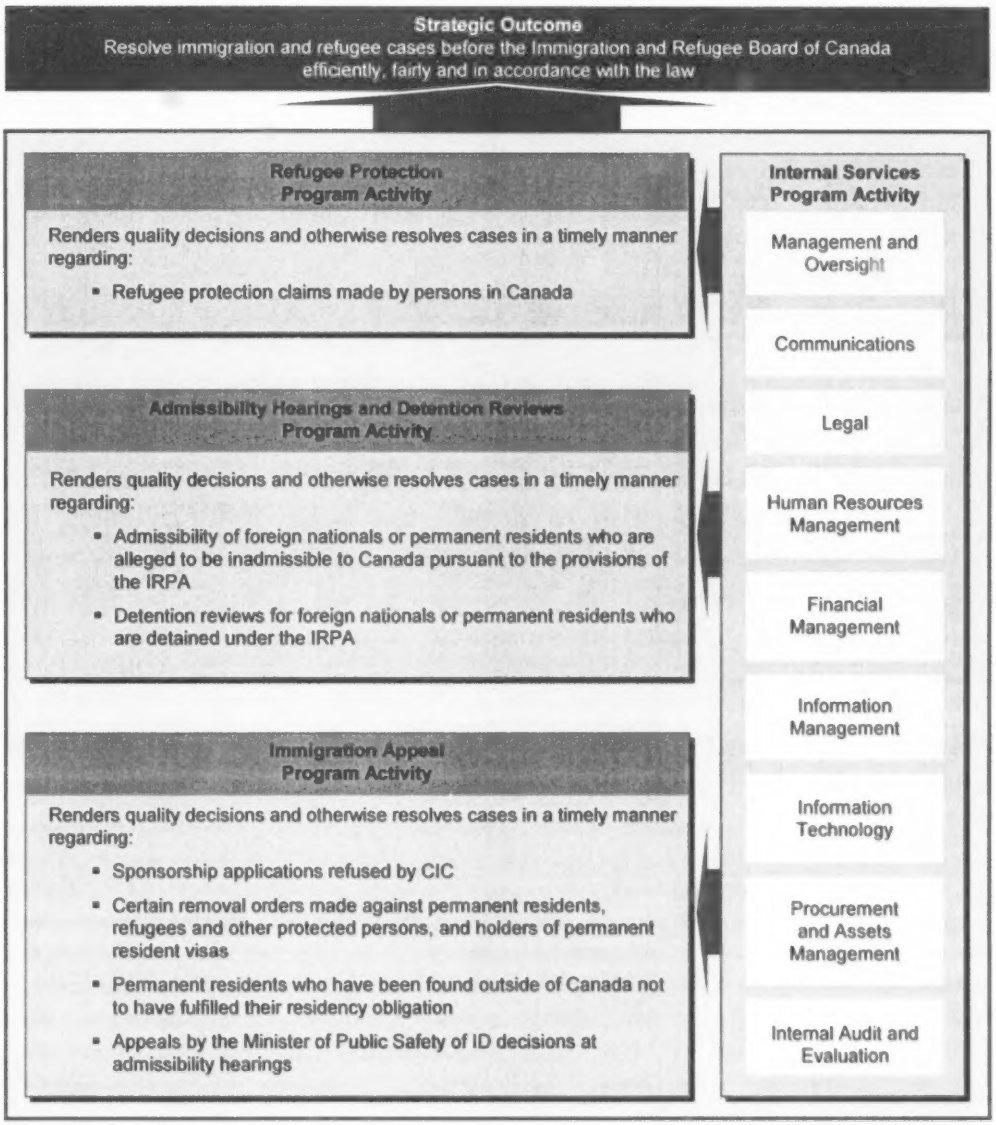
Immigrants and refugees have always contributed significantly to Canada's growth and development. The IRB ensures continued benefits to Canadians in three important ways:

- In the hearing of refugee protection claims, it ensures that Canada accepts those in need of protection in accordance with international obligations and Canadian law;
- Through admissibility hearings and detention reviews, it contributes to the integrity of our immigration system, ensures the maintenance of the balance between individual rights and the safety and security of Canadians, and it upholds Canada's reputation for justice and fairness to individuals;
- As an independent tribunal responsible for resolving sponsorship, removal order and residency obligation appeals, it helps to promote family reunification, helps to ensure Canadians' safety and security, and safeguards the integrity of Canada's immigration system.

The IRB also contributes more broadly to the quality of life of Canada's communities by strengthening our country's social fabric and by reflecting and reinforcing core values that are important to Canadians. These include respect for human rights, peace, security and the rule of law.

STRATEGIC OUTCOME AND PROGRAM ACTIVITY ARCHITECTURE (PAA)

Based on its legislated mandate and its approved PAA, the IRB has a single strategic outcome and three program activities that include responsibility for all tribunal decisions and resolutions. The fourth program activity, Internal Services, supports the first three as illustrated in the diagram below.


Strategic Outcome
Resolve immigration and refugee cases before the Immigration and Refugee Board of Canada efficiently, fairly and in accordance with the law
Refugee Protection Program Activity
Renders quality decisions and otherwise resolves cases in a timely manner regarding:
Refugee protection claims made by persons in Canada
Admissibility Hearings and Detention Reviews Program Activity
Renders quality decisions and otherwise resolves cases in a timely manner regarding:
Admissibility of foreign nationals or permanent residents who are alleged to be inadmissible to Canada pursuant to the provisions of the IRPA
Detention reviews for foreign nationals or permanent residents who are detained under the IRPA
Immigration Appeal Program Activity
Renders quality decisions and otherwise resolves cases in a timely manner regarding:
Sponsorship applications refused by CIC
Certain removal orders made against permanent residents, refugees and other protected persons, and holders of permanent resident visas
Permanent residents who have been found outside of Canada not to have fulfilled their residency obligation
Appeals by the Minister of Public Safety of ID decisions at admissibility hearings
Internal Services Program Activity
Management and Oversight
Communications
Legal
Human Resources Management
Financial Management
Information Management
Information Technology
Procurement and Assets Management
Internal Audit and Evaluation

PERFORMANCE SUMMARY

FINANCIAL AND HUMAN RESOURCES

Financial Resources ($ Millions)		
Planned Spending	**Total Authorities**	**Actual Spending**
113.4	123.7	114.1

Human Resources (Full-time Equivalents [FTEs])		
Planned	**Actual**	**Difference**
1,025	973	(52)

Total Authorities increased by $10.3 million from Planned Spending due to supplementary funding received, of which $4.5 million related to the carry forward from 2008-09, $3.5 million in compensation for collective agreements and $2 million for the reimbursement of eligible pay list expenditures. Actual Spending was $9.6 million less than Total Authorities and was mainly attributable to a lower volume of translations of decisions ($4.3 million) and to delays in appointments of decision-makers and staffing of public service positions ($5.3 million).

Performance Summary Table

STRATEGIC OUTCOME
Resolve immigration and refugee cases before the Immigration and Refugee Board of Canada efficiently, fairly and in accordance with the law

PERFORMANCE INDICATOR	TARGET	2009-10 PERFORMANCE
▪ Percentage of IRB decisions overturned by the Federal Court (This quality indicator is used in addition to the indicators described in the program activities; see Section II for more details).	▪ Less than 1%	▪ The IRB met its performance target with only 0.4% of decisions overturned by the Federal Court. This is an indication of the high level of fairness and quality of the decisions rendered by the Board.

Program Activity	2008-09 Actual Spending ($ Millions)	2009-10[1] ($ Millions)				
		Main Estimates	Planned Spending	Total Authorities	Actual Spending	Alignment to GOC Outcomes[2]
Refugee Protection	82.5	60.3	60.3	62.8	58.2	A safe and secure world through international engagement
Admissibility Hearings and Detention Reviews	13.7	11.4	11.4	12.6	9.0	A safe and secure Canada
Immigration Appeal	18.5	13.2	13.2	16.5	15.6	A vibrant Canadian culture and heritage[3]
Internal Services	See Note 1	28.5	28.5	31.8	31.3	
TOTAL	**114.7**	**113.4**	**113.4**	**123.7**	**114.1**	

[1] Commencing in the 2009-10 Estimates cycle, the resources for the Internal Services program activity are displayed separately from other program activities; they are no longer distributed among the remaining program activities, as was the case in previous Main Estimates. This has affected the comparability of spending and FTE information by program activity between fiscal years.

[2] Alignment to Government of Canada (GOC) outcomes and benefits for Canadians are further discussed in Section II under each of the program activities.

[3] Through its removal order appeal work, the Immigration Appeal program activity also contributes to the Safe and Secure Canada outcome area.

IRB STRATEGIC PRIORITIES

In its *2009-10 Report on Plans and Priorities* (RPP), the IRB identified three strategic priorities. Their contribution to the achievement of the IRB's strategic outcome is described in the table below.

Contribution of Priorities to Strategic Outcome

STRATEGIC OUTCOME
Resolve immigration and refugee cases before the Immigration and Refugee Board of Canada efficiently, fairly and in accordance with the law

Priorities	Type	Performance Status and Link to Strategic Outcome
Further increase capacity to resolve cases and manage the case inventory	Operational Ongoing	Met All. The IRB continued its efforts to assess and recommend qualified candidates to the Minister for appointment as decision-makers. The number of appointments and reappointments by the Governor in Council (GIC) has meant that, by the end of the 2009-10 reporting period, the IRB had a nearly full complement of decision-makers. The IRB depends on this critical capability in order to resolve immigration and refugee cases on behalf of Canadians. The IRB ensured that the resources entrusted to it were allocated to best support its decision-makers. It further improved the management of its inventory through innovative case management and adjudicative strategies. An increase in productivity resulted in more efficient case resolutions. These factors all contributed to stemming the growth of the case inventory, while maintaining quality and fairness in decisions.
Strengthen relationships with partners and stakeholders	Operational New	Met All. The Board enhanced its outreach efforts and worked with key partners and stakeholders. Through national meetings of the Consultative Committee on Practices and Procedures (CCPP) and regional stakeholder meetings, IRB personnel and stakeholders discussed key policy and procedural issues. This resulted in improved mutual understanding and cooperation.
Continue to build an integrated, flexible and effective organization	Management Ongoing	Met All. The Board continued to ensure the consistent delivery of high-quality administrative justice within a changing environment. The transformation process remained a priority in 2009-10, as the Board further integrated its three divisions and developed new quality standards in decision-making and adjudicative support to enhance accountability and transparency. During 2009-10, the IRB had to be flexible to adapt to two major government initiatives: the Strategic Review which will result in activity and funding adjustments for the next three years, and the tabling of Bill C-11, the *Balanced Refugee Reform Act*. Both activities required planning during 2009-10 and will influence the strategic outcome in future years.

RISK ANALYSIS

OPERATING ENVIRONMENT

The IRB carries out its mandate within a complex and ever-changing environment that is influenced by international and domestic factors. Conflicts and country conditions abroad can result in refugee movements, which affect the number of refugee protection claims made in Canada. Similarly, shifts in international migration patterns and changes to domestic policies by other receiving countries impact the number of people seeking admission to Canada.

REFUGEE POPULATIONS. The report *Asylum Levels and Trends in Industrialized Countries 2009*, published by the United Nations High Commissioner for Refugees (UNHCR[1]), shows that 377,200 asylum claim applications were submitted in the 44 main industrialized countries during the 2009 calendar year. This is roughly the same number as in 2008, when 377,100 asylum claim applications were submitted.

Following the United States and France, Canada was the third largest recipient of applications among the 44 countries with 33,300 new asylum claims registered during the 2009 calendar year. This is a 10 percent decrease compared to 2008 (36,900 claims).

The large number of claims referred to the IRB declined following the Government's imposition of a visa requirement for Mexican and Czech citizens wishing to travel to Canada. This policy measure came into effect in mid-July 2009, and immediately reduced the number of protection claim referrals from these two high-volume source countries.

FAMILY SPONSORSHIPS. Canada's immigrant population is expected to reach between 7.0 and 9.3 million by 2017.[2] It is within this context, and consistent with the Government's objective of promoting family reunification, that family class sponsorship applications have either increased or maintained high levels every year since 2001. Accordingly, the IRB continued to receive a high number of family sponsorship appeals during 2009-10.

REFORM TO THE REFUGEE PROTECTION FRAMEWORK. The Government announced its intent to reform the refugee protection system in the last few days of the 2009-10 reporting period. Legislative changes will influence the IRB's operating environment and have an impact on the IRB's processes and internal resource allocations in subsequent years. However, since the legislation (Bill C-11) was tabled in Parliament on March 30, 2010, and received Royal Assent in June 2010, all related IRB activities will be reported in subsequent reports.

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[1] Report available on UNHCR Web site: www.unhcr.org

[2] *Population projections of visible minority groups, Canada, provinces and regions: 2001-2017* (Statistics Canada Catalogue no. 91-541-XIE), March 2005. Also available at www.statcan.gc.ca/pub/91-541-x/91-541-x2005001-eng.pdf

CHALLENGES

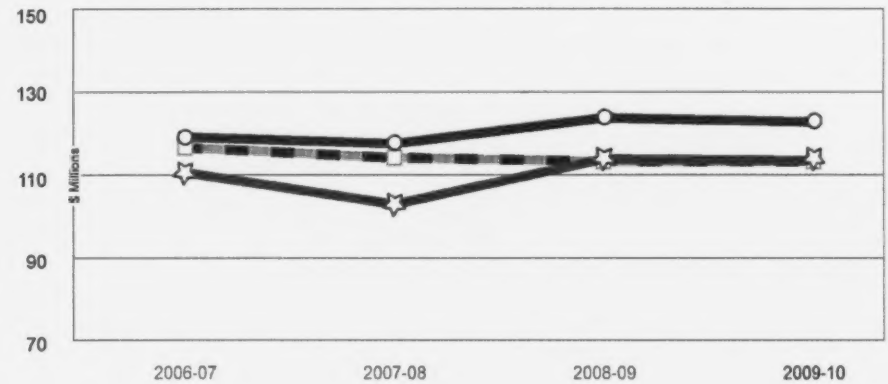
APPOINTMENT OF DECISION-MAKERS. In order to resolve the refugee protection claims and immigration appeals referred to it, the IRB depends on decision-makers appointed by the GIC following a rigorous, merit-based selection process. As noted in the *2009 Status Report of the Auditor General of Canada*, during a series of transitions in government between 2004 and 2008, appointments and reappointments of GIC decision-makers to the Board did not keep pace with vacancies resulting from expired mandates and resignations. This had a significant impact on the Board's capacity to process cases in past years. This situation was largely corrected by the Government this year. During 2009-10, there were 35 GIC decision-maker appointments and 25 reappointments. The RPD and the IAD were nearly at full complement by the end of the reporting period. Although new decision-makers require approximately six months to complete training and to acquire experience before becoming fully productive, these new appointments contributed to increasing the case resolution capacity of the Board during 2009-10.

PENDING CASE INVENTORY. There were approximately 57,600 refugee protection claims and 10,500 immigration appeals pending at the beginning of the reporting period. This inventory accumulated over the previous three years and resulted primarily from two external factors outside the IRB's control: an increased number of refugee protection claims referred and immigration appeals filed; and a shortfall in the IRB's GIC decision-maker complement. During 2009-10, the combination of increased GIC decision-maker appointments and reduced intake has allowed the IRB to curb the growth of the inventory. The IRB's performance in this regard is further detailed in the second part of the current report. At the end of the 2009-10 reporting period there were 59,000 refugee protection claims and 11,000 immigration appeals pending. As explained in the IRB *2010-11 RPP*, a case inventory of this size cannot be significantly reduced within the Board's current resource allocation. An increase in resource levels is required in order to substantially reduce the accumulated inventory or return it to normal operating levels.

SYSTEM FOR TRACKING APPELLANTS AND REFUGEES (STAR). The IRB relies on a legacy case management system known as STAR, which has inherent risks related to the integrity of the system's data and security controls. Although the system has never suffered a serious breach or breakdown, the IRB has taken proactive steps to mitigate these risks and modernize the system to adapt to future business needs in a sustainable and secure manner. During 2009-10, a robust governance structure, including a steering committee and independent third-party consultations was established to supervise these efforts.

EXPENDITURE PROFILE

SPENDING TREND 2006-07 TO 2009-10



	2006-07	2007-08	2008-09	2009-10
Estimates	117.4	113.7	113.4	**113.4**
Planned	116.8	113.7	113.4	**113.4**
Authorized	119.3	118.3	124.4	**123.7**
Actual	110.4	103.3	114.7	**114.1**

In recent years, there has not been any significant difference between Main Estimates and Planned Spending with the exception of 2006-07, which included sunset funding for administrative measures related to refugee determination and reduction in the inventory of parent and grandparent sponsorship appeals.

The difference between Planned Spending and Total Authorities is primarily due to compensation for collective agreements and funding carried forward from the previous year.

For Actual Spending, lower expenditures since 2007-08 were primarily due to lower volumes of translation of decisions, delays in the appointment and reappointment of GIC decision-makers and vacant public service positions.

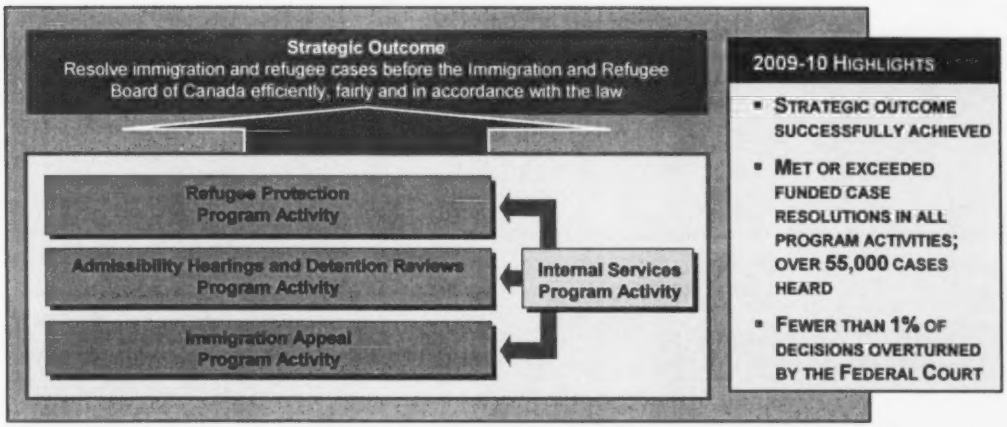
VOTED AND STATUTORY ITEMS

2009-10 Voted and Statutory Items ($ Millions)					
Vote Number or Statutory Items (S)	Truncated Vote or Statutory Wording	2007-08	2008-09	2009-10	
		Actual Spending	Actual Spending	Main Estimates	Actual Spending
10	Program expenditures	92.1	102.7	100.8	101.1
(S)	Contributions to employee benefit plans	11.2	12.0	12.6	13.0
Total		**103.3**	**114.7**	**113.4**	**114.1**

SECTION II

ANALYSIS OF PROGRAM ACTIVITIES

STRATEGIC OUTCOME AND PROGRAM ACTIVITIES


Strategic Outcome
Resolve immigration and refugee cases before the Immigration and Refugee Board of Canada efficiently, fairly and in accordance with the law
Refugee Protection Program Activity
Admissibility Hearings and Detention Reviews Program Activity
Immigration Appeal Program Activity
Internal Services Program Activity
2009-10 HIGHLIGHTS
STRATEGIC OUTCOME SUCCESSFULLY ACHIEVED
MET OR EXCEEDED FUNDED CASE RESOLUTIONS IN ALL PROGRAM ACTIVITIES; OVER 55,000 CASES HEARD
FEWER THAN 1% OF DECISIONS OVERTURNED BY THE FEDERAL COURT

Each of the three core program activities are focused on the efficient and fair resolution of the immigration and refugee cases that are before the Board. Combined, they are responsible for all tribunal decisions and case resolutions, and for a successful strategic outcome.

The achievement of the IRB's strategic outcome is dependent on both the quantity and the quality of the output. For instance, a large number of cases must be finalized every year in order to avoid lengthy delays for individuals waiting for a decision on their case. At the same time, the quality and fairness of each decision must be assured. During 2009-10, the strategic outcome was successfully achieved. The IRB met or exceeded the funded and anticipated number of finalized cases in each of its program activities. Approximately 55,350 cases were heard, a 14 percent increase over the previous year. The Board also met its quality performance target, with only 0.4 percent of its decisions overturned by the Federal Court, an indication of the high level of fairness and quality of the decisions rendered by the IRB.

The following pages provide a performance summary as well as information on overall financial and human resources for each of the IRB's four program activities during the 2009-10 reporting period.

PROGRAM ACTIVITY 1

REFUGEE PROTECTION

DESCRIPTION

The Refugee Protection Division (RPD) delivers the IRB's **Refugee Protection program activity.** It determines claims for refugee protection made in Canada. Processing of refugee claims is the main focus of the IRB's activities and resources. Through the work of the RPD, Canada fulfils its obligations as a signatory to a number of international human rights conventions.

Additional information on the RPD is available at www.irb-cisr.gc.ca/eng/tribunal/rpdspr/pages/index.aspx

2009-10 HIGHLIGHTS

- **29,900 NEW REFUGEE CLAIMS FILED, 18% FEWER THAN LAST YEAR**
- **28,500 REFUGEE CLAIMS RESOLVED, 3,500 MORE THAN PLANNED**
- **CASE INVENTORY INCREASED FROM 57,600 TO 59,000**

Program Activity: REFUGEE PROTECTION					
2009-10 Financial Resources ($ Millions)			**2009-10 Human Resources** (FTEs)		
Planned Spending	**Total Authorities**	**Actual Spending**	**Planned**	**Actual**	**Difference**
60.3	62.8	58.2	591	534	(57)

Expected Result: Quality decisions rendered and cases resolved in a timely manner regarding refugee protection claims made in Canada		**Performance Status**: Exceeded
Performance Indicator	**Target**	**Performance Summary**
Clarity, completeness and conciseness of IRB reasons for decisions	Develop criteria for samples of reasons for decisions	Indicators and criteria developed and piloted; implementation planned for 2010-11
Percentage of cases finalized without a hearing (expedited process)	8%	10%
Ratio of finalized cases to referred cases	50,000 refugee protection claim referrals were expected in 2009-10; we expected to finalize between 21,000 and 25,000 claims, depending on the number of decision-makers available, resulting in a ratio of finalized to referred cases of 42% to 50%	During 2009-10, 29,900 new claims were referred and 28,500 claims were finalized, resulting in a ratio of 95%. The ratio was affected by a large reduction in intake and a substantial increase in the number of finalizations; see pages 8 and 15 for more detailed explanations
Average cost per claim finalized[1]	$3,200 to $3,800, depending on the number of claims finalized	$2,850
Average processing time (from referral to finalization) of finalized cases	Increase to 18.5 months, based on the inventory and the number of decision-makers available	Increase to 19.2 months due to an increase in the RPD inventory and the number of referrals exceeding the funded capacity

[1] Average costs are calculated as a function of total expenditures and finalized cases. Projections and results are largely affected by variations in the number of finalized cases.

PERFORMANCE ANALYSIS

DECISION-MAKERS. The RPD depends on experienced, highly trained decision-makers to provide well-reasoned quality decisions in a timely manner. During 2009-10, a total of 43 decision-makers were appointed or re-appointed to the RPD, bringing the total to 125 decision-makers by the end of the fiscal year, two decision-makers short of its funded complement.

CASE INVENTORY. The RPD began the fiscal year with a pending inventory of 57,600 cases. The Division received 29,900 new refugee protection claim referrals in 2009-10, a reduction of 6,100 from the previous year (including 3,800 fewer from Mexico and 3,100 fewer from Haiti). The RPD, with a full complement of decision-makers, exceeded expectations, finalizing 28,500 claims, 3,500 more than anticipated. This 12 percent increase was primarily due to improvements in productivity as mentioned below, an increase in the number of expedited claims, and an increase in the number of abandoned and withdrawn claims, mainly from the Czech Republic and Mexico. This resulted in a pending inventory of 59,000 claims at the end of 2009-10. However, the RPD needs additional resources to deal with its largest inventory ever. Without increased resources, refugee claimants, many of whom have faced very difficult circumstances in their country of origin, will face the added stress and uncertainty associated with lengthy delays in the resolution of their claim.

PRODUCTIVITY INCREASE. While maintaining the quality and fairness of their decisions, RPD decision-makers increased their average individual productivity by approximately 2 percent in 2009-10. This increase was largely attributed to training, internal process improvements, and strategic monitoring of postponements, adjournments and time taken to render reasons.

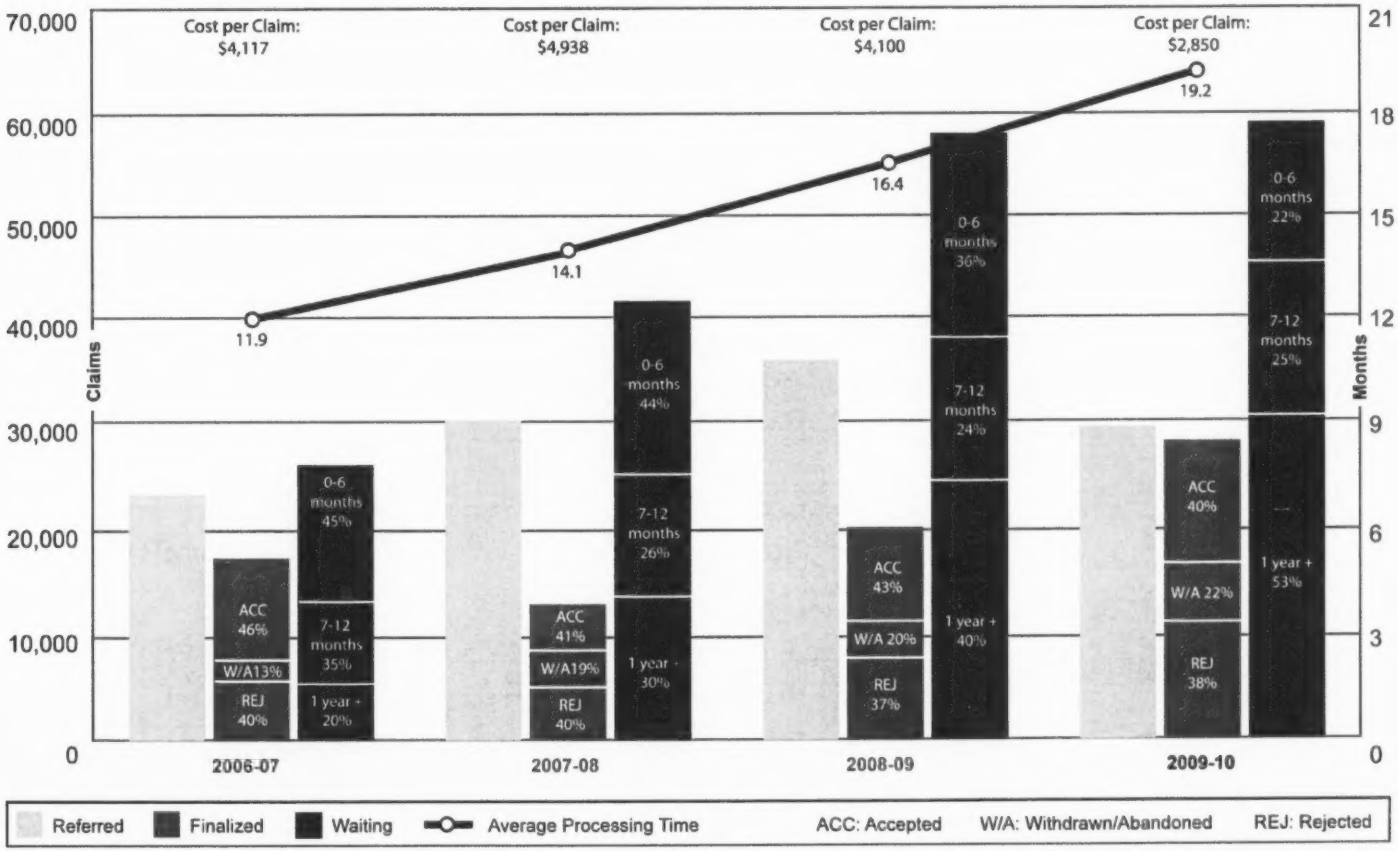
LESSONS LEARNED

Performance measurement targets were implemented in 2009-10 and a greater emphasis was placed on monitoring postponements and adjournments. The productivity results demonstrate the effectiveness of these strategies. The RPD also had an increase in the percentage of decisions rendered orally, thereby contributing to the timely completion of cases.

BENEFITS FOR CANADIANS

Through the work of the Refugee Protection program activity, Canada accepts only those refugee protection claimants who are in need of protection. Canada provides a safe haven to persons with a well-founded fear of persecution as well as to those facing a danger of torture or a risk to their life, or a risk of cruel and unusual treatment or punishment if returned to their country of origin. This contributes to a safe and secure world environment. The RPD aids Canada in meeting its international obligations.

Refugee Protection



Note: The totals may not be exactly 100% due to rounding.

PROGRAM ACTIVITY 2

ADMISSIBILITY HEARINGS AND DETENTION REVIEWS

DESCRIPTION

The Immigration Division (ID) delivers the **Admissibility Hearings and Detention Reviews program activity.** It holds hearings for foreign nationals or permanent residents who, under the provisions of the IRPA, are alleged to be inadmissible to Canada or are detained. Detainees must be seen by the ID within 48 hours after their referral, or without delay thereafter, and subsequent reviews must be conducted within specific statutory time frames. Decision-makers must balance the right to individual liberty with the safety and security interests of Canadians.

Additional information on the ID is available at www.irb-cisr.gc.ca/eng/tribunal/idsi/pages/index.aspx

2009-10 HIGHLIGHTS

- **3,150 ADMISSIBILITY HEARINGS WERE FINALIZED**
- **16,500 DETENTION REVIEWS WERE CARRIED OUT**
- **INTAKE STARTED RETURNING TO PREVIOUS LEVELS**

Program Activity: ADMISSIBILITY HEARINGS AND DETENTION REVIEWS					
2009-10 Financial Resources ($ Millions)			**2009-10 Human Resources** (FTEs)		
Planned Spending	**Total Authorities**	**Actual Spending**	**Planned**	**Actual**	**Difference**
11.4	12.6	9.0	63	70	7

Expected Result: Quality decisions rendered and cases resolved in a timely manner regarding admissibility hearings and detention reviews		**Performance Status**: Met All
Performance Indicator	**Target**	**Performance Summary**
Clarity, completeness and conciseness of IRB reasons for decisions	Develop criteria for samples of reasons for decisions.	Indicators and criteria developed and piloted; implementation planned for 2010-11
Percentage of admissibility hearing cases concluded to referred cases	90-95%[1]	105% as referrals from the previous reporting period were also concluded
Percentage of concluded detention review cases within statutory time frame	97%[2]	98%
Average cost of admissibility hearing[3]	$950	$1,035
Average cost of detention review[3]	$750	$800
Percentage of admissibility hearings concluded with a hearing within six months from referral	86-88%[1]	92%

[1] Detention reviews take priority over admissibility hearings due to legislative time requirements. The number of referrals from the Canada Border Services Agency (CBSA) affects the capacity of the ID to conduct admissibility hearings.

[2] Factors outside the IRB's control, such as prison lockdown, impede the achievement of 100 percent compliance.

[3] Average costs are calculated as a function of total expenditures and finalized cases. Projections and results are largely affected by variations in the number of finalized cases.

PERFORMANCE ANALYSIS

INTAKE LEVELS. The number of cases before the ID depends on the number of cases referred by the CBSA. Over the four previous fiscal years, referrals of admissibility hearings had increased by 29 percent while referrals of detention reviews had increased by 19 percent. This trend reversed in 2009-10 because of a 7 percent reduction in referrals of admissibility hearings and a 10 percent reduction in referrals of detention reviews. Through efficiencies, the ID managed an elevated workload within existing resources, and concluded detention review cases within the legislated time frames.

ADMISSIBILITY HEARINGS. During 2009-10, the ID finalized 3,150 admissibility hearings, the same as during the previous year. Of the admissibility hearings finalized, 71 percent resulted in a removal order being issued because the person was determined inadmissible, 3 percent resulted in permission to enter or to remain in Canada, 7 percent were subject to the withdrawal of the inadmissibility allegation by the CBSA at the hearing, and 18 percent were closed after the person failed to appear for the hearing. The results and trends are illustrated on page 19.

DETENTION REVIEWS. During 2009-10, the ID finalized approximately 16,500 detention reviews, 10 percent fewer than the previous year. Close to 4,500 detention reviews were finalized without a decision because the case was rescheduled or the person was removed, released or detained by courts prior to a scheduled review. The remaining 12,000 detention reviews were finalized with a decision. The ID, supported by the Operations Branch, successfully finalized the detention reviews of the British Columbia marine arrivals from Sri Lanka in October 2009. The results and trends are illustrated on page 20.

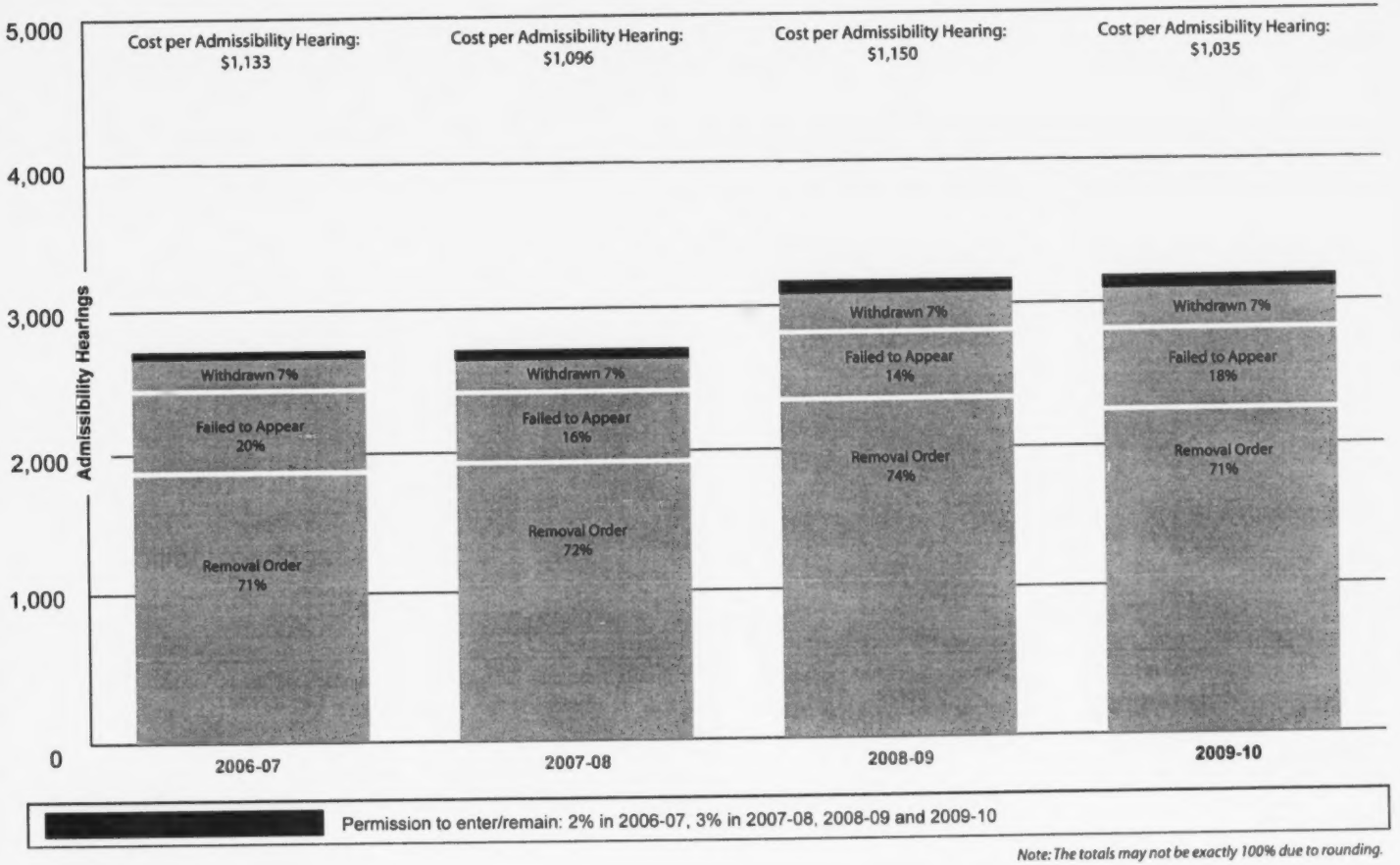
LESSONS LEARNED

The ID met or exceeded expectations in all of its activities. As mentioned in the RPP, the ID planned to develop and implement case management standards to closely monitor processing times, adjournments, postponements and case readiness measures, all with a view to completing a greater number of cases within a six-month time frame. This close monitoring of the drivers that affect processing time brought positive results. The Division plans to build on this success and further refine its monitoring activities in 2010-11.

BENEFITS FOR CANADIANS

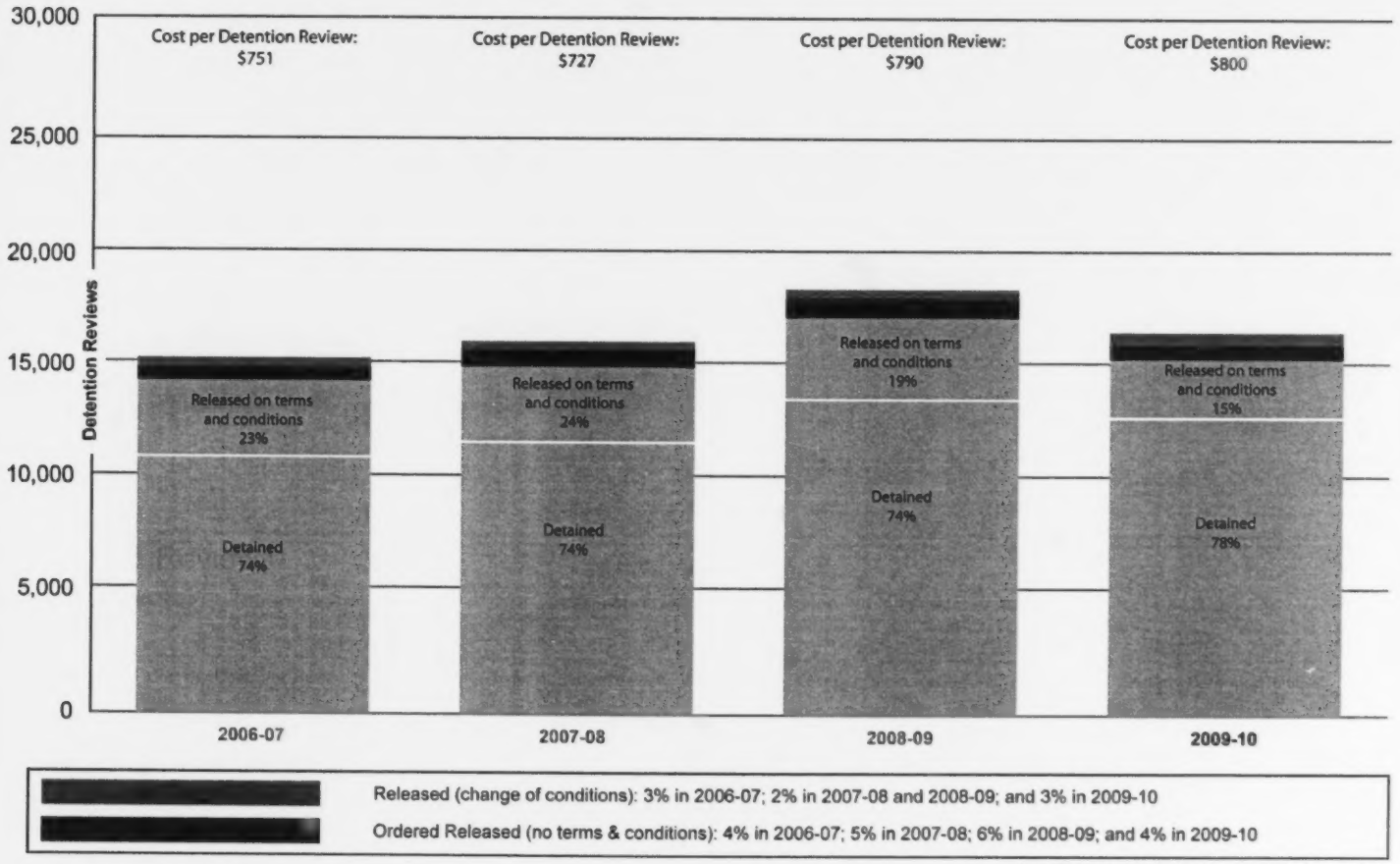
The ID renders decisions that maintain the security of Canadian society and uphold Canada's tradition of justice and fairness for individuals. Through its work on admissibility hearings and detention reviews, the ID contributes to the maintenance of the balance between individual rights and the safety and security of Canadians.

Admissibility Hearings



Note: The totals may not be exactly 100% due to rounding.

Detention Reviews



Note: The totals may not be exactly 100% due to rounding.

PROGRAM ACTIVITY 3

IMMIGRATION APPEAL

DESCRIPTION

The Immigration Appeal Division (IAD) delivers the **Immigration Appeal program activity.** It hears immigration appeals from Canadian citizens and permanent residents whose applications to sponsor close family members to Canada have been refused. Other key functions include hearing appeals from permanent residents, foreign nationals with a permanent resident visa, protected persons who have been ordered removed from Canada, and permanent residents outside Canada who are alleged to have not fulfilled their residency obligation.

Additional information on the IAD is available at www.irb-cisr.gc.ca/eng/tribunal/iadsai/pages/index.aspx

2009-10 HIGHLIGHTS

- **6,900 NEW IMMIGRATION APPEALS FILED**
- **7,200 APPEALS RESOLVED (6,400 FINALIZED AND 800 STAYS OF REMOVAL)**
- **INVENTORY OF UNRESOLVED APPEALS INCREASED FROM 9,000 TO 9,300**
- **AVERAGE PROCESSING TIME INCREASED FROM 11.1 TO 11.6 MONTHS**

Program Activity: IMMIGRATION APPEAL					
2009-10 Financial Resources ($ Millions)			**2009-10 Human Resources** (FTEs)		
Planned Spending	**Total Authorities**	**Actual Spending**	**Planned**	**Actual**	**Difference**
13.2	16.5	15.6	115	121	6

Expected Result: Quality decisions rendered and cases resolved in a timely manner regarding immigration appeals		**Performance Status**: Met All
Performance Indicator	**Target**	**Performance Summary**
Clarity, completeness and conciseness of IRB reasons for decisions	Develop criteria for samples of reasons for decisions	Indicators and criteria developed and piloted; implementation planned for 2010-11
Percentage of appeals finalized without a hearing	45%	42%
Ratio of finalized appeals to filed appeals	7,000 appeals were expected to be filed in 2009-10; we expected to finalize between 5,800 and 6,500 appeals, depending on the number of decision-makers available. This would result in a ratio of "finalized to filed appeals" of 83% to 93%	6,900 appeals were filed in 2009-10 and 6,400 were finalized, resulting in a ratio of 93%
Average cost per appeal finalized[1]	$2,700 to $3,000, depending on the number of appeals finalized	$3,075
Average appeal processing time	Increase to 11.5 months, based on the inventory and the available decision-maker complement	11.6 months

[1] Average costs are calculated as a function of total expenditures and finalized cases. Projections and results are largely affected by variations in the number of finalized cases.

PERFORMANCE ANALYSIS

DECISION-MAKERS. The IAD depends on highly trained decision-makers to conduct fair and efficient hearings and provide well-reasoned quality decisions in a timely manner. During the 2009-10 fiscal year, the IAD welcomed many new decision-makers which addressed the shortfall in its complement. However, the majority of IAD decision-makers were still within their first mandate. Despite the lack of a large group of experienced decision-makers in a small division, the IAD maintained high productivity by maximizing efficient use of case management strategies.

KEY STATISTICAL HIGHLIGHTS. In 2009-10, approximately 6,900 appeals were filed, 100 appeals fewer than the projected 7,000. The Division's productivity remained very high with almost 7,200 resolutions of appeals. Of those, 6,400 were appeal finalizations and 800 were stays of removal orders. Nonetheless, the case inventory grew slightly from 10,500 at the beginning of 2009-10 to 11,000 at year-end. However, the inventory of unresolved appeals (which excludes stayed appeals waiting for finalization) increased only 3 percent from 9,000 to 9,300 cases. The average case processing time increased from 11.1 to 11.6 months, or 4 percent.

BUSINESS IMPROVEMENTS. The IAD continued to promote adjudication strategies to enhance consistency in decision-making. Innovative case management strategies were further refined to promote earlier resolution of appeals, greater hearing readiness and high productivity. The IAD also enhanced its communications with stakeholders across the country on administrative and adjudicative matters.

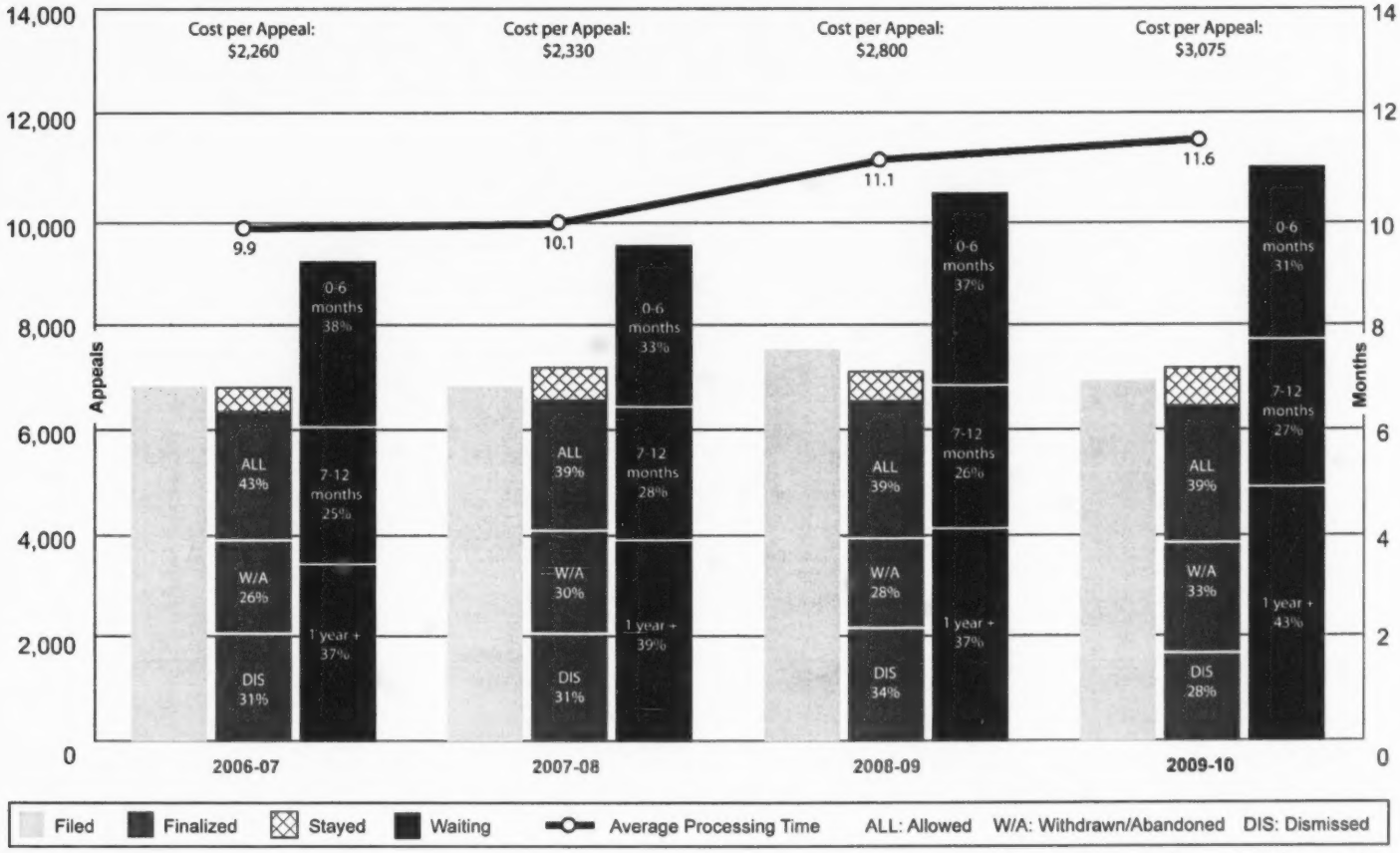
LESSONS LEARNED

During a period of a shortfall in decision-makers, having strong adjudicative support is especially important to sustain high productivity through increased hearing readiness and early resolution of cases. The flexible sharing of decision-maker resources among regions continued to be crucial to the IAD's efforts to address the backlog in Central Region appeals. The need to coordinate resources with the CBSA continued to be a challenge in many areas where the cooperation of Minister's counsel is important, for example, in alternative dispute resolutions and for hearings in which the Minister's counsel appears only through written submissions. The IAD will capitalize on these lessons and continue to improve its efficiency and productivity.

BENEFITS FOR CANADIANS

Through its sponsorship appeals work, the IAD recognizes the contributions of immigrants to the strength and vitality of Canadian society and culture, as well as the Government's commitment to family reunification. Through its work on removal order appeals, the IAD enhances public safety while ensuring that individuals' fundamental rights are respected.

Immigration Appeal



Note: The totals may not be exactly 100% due to rounding.

PROGRAM ACTIVITY 4

INTERNAL SERVICES

DESCRIPTION

Internal Services are groups of related activities and resources required to support the needs of all three tribunal programs and other corporate obligations of the IRB. These services are: Management and Oversight; Communications; Legal; Human Resources Management; Financial Management; Information Management; Information Technology; Procurement and Assets Management; Internal Audit and Evaluation; and Other Administrative Services. Internal Services include only those activities and resources that apply across the organization and not those provided to a specific program.

2009-10 HIGHLIGHTS

- **INTEGRATED NATIONAL TRAINING PROGRAM DELIVERED**
- **AUDIT COMMITTEE CREATED**
- **CHIEF FINANCIAL OFFICER MODEL IMPLEMENTED**
- **5-YEAR STRATEGY DEVELOPED TO IMPROVE PLANNING, QUALITY AND EFFICIENCY OF SUPPORT SERVICES**

Program Activity: INTERNAL SERVICES[1]					
2009-10 Financial Resources ($ Millions)			2009-10 Human Resources (FTEs)		
Planned Spending	Total Authorities	Actual Spending	Planned	Actual	Difference
28.5	31.8	31.3	257	248	(9)

[1] Commencing in the 2009-10 Estimates cycle, the resources for the Internal Services program activity are displayed separately from other program activities; they are no longer distributed among the remaining program activities, as was the case in previous Main Estimates. This has affected the comparability of spending and FTE information by program activity between fiscal years.

PERFORMANCE ANALYSIS

MANAGEMENT AND OVERSIGHT. During 2009-10, the IRB improved the support provided to senior management. The Board implemented the Chief Financial Officer model in accordance with the new *Policy on Financial Management Governance*. An independent Audit Committee was created in accordance with the Treasury Board Secretariat (TBS) *Internal Audit Policy* to provide the Chairperson with objective advice and assurance on IRB operations. Also, the Corporate Planning and Services Branch developed a comprehensive Branch strategy to improve planning as well as the quality and efficiency of service support operations over the next five years.

COMMUNICATIONS. The IRB improved the understanding of its mandate and role amongst media, the public and counsel. The Board shared best practices and collaborated with national and international partners. The IRB, with other Canadian government organizations, participated in a capacity building project with the government of South Africa. The Board took part in numerous

outreach events ranging from national and international conferences to other government departments' events. Participation in these events promoted exchanges on key policy and procedural issues between IRB personnel, international and domestic stakeholders and government partners, and resulted in improved cooperation and communication.

LEGAL. Legal Services continued to provide legal advice in support of all of the IRB's strategic priorities, including the implementation of measures to improve the quality of IRB proceedings. During 2009-10, specific efforts were directed at guidelines to reduce avoidable adjournments and postponements in all three IRB divisions, the newly revised *Protocol Addressing Member Conduct Issues* (the IRB's complaint process to ensure the integrity of IRB proceedings), the use of official languages in proceedings, and the development of procedures for complex cases involving classified information related to national security or criminal intelligence. Advice was also provided on special procedures designed to prioritize family class sponsorship appeals for victims of the earthquake in Haiti. Regional offices focused significant resources on the training and support of decision-makers due to a large number of new appointments.

HUMAN RESOURCES (HR) MANAGEMENT. In 2009-10, the Board pursued its efforts in rebuilding and renewing its capacity to fulfill its HR service requirements in a timely and effective manner. With respect to staffing, as a result of the Public Service Commission (PSC) audit, the IRB implemented an action plan to address the recommendations made by the PSC. Adjustments to policies, procedures and practices, combined with learning activities have contributed to the renewal of the departmental capacity in staffing. A more integrated approach to HR planning was undertaken with a view to developing targeted strategies in all HR areas. Fiscal year 2009-10 was notable for learning and development; almost 330 decision-makers and adjudicative support personnel from all divisions participated in a three-day Integrated National Training Seminar, and over 70 decision-makers completed training sessions. Learning strategies were also identified by the professional community, to strengthen continuous learning as well as the competencies of the IRB's workforce.

FINANCIAL MANAGEMENT. During 2009-10, much effort was dedicated to the implementation of the new suite of TBS financial policies and directives, including the conduct of an impact analysis, amendments to existing internal processes and practices, communications and training. Examples of such initiatives include substantial changes to the IRB *Financial Directive on the Delegation of Financial and Contracting Related Authorities* and the development of a new *Financial Directive on the Financial Management of Pay Administration*. In addition, substantial effort was dedicated to strengthening the functional reporting framework and to supporting the planning efforts associated with the tabling of Bill C-11, the *Balanced Refugee Reform Act*.

INFORMATION MANAGEMENT. During the period under review, the IRB planned the implementation of a new function-based file classification structure that will be piloted in the next fiscal year. Also, the IRB made great strides to remove all of its information holdings from a private firm where they are currently warehoused. It is expected that by July 2010, the last of the IRB's files will be transferred to Library and Archives Canada.

INFORMATION TECHNOLOGY (IT). The IRB, in accordance with its three-year strategic IT plan, has focused on the planning and tactical deployment of process improvements. During 2009-10, the Board continued aligning and integrating its IT strategies and architecture to its strategic priorities. The development and implementation of new solutions that satisfy business needs, such as the Interactive Scheduling Interface (a national application to improve case scheduling in the RPD) and the incident management system have improved technical support and business performance. There are also ongoing efforts to maintain and support existing information systems.

PROCUREMENT AND ASSETS MANAGEMENT. The IRB's procurement program has been significantly improved and now reflects a consistent IRB-wide approach to procurement file management, reporting, and application of TBS and Public Works and Government Services Canada policies and procedures. One notable improvement for 2009-10 was the creation of an electronic logging system which immediately resulted in economies of scale. The IRB has also improved its asset management capability by implementing a database in the regions that helps track IT and non-IT assets. The asset management policy and procedures are currently being reviewed by senior management and should be implemented in 2010-11.

INTERNAL AUDIT AND EVALUATION. During 2009-10, the IRB established an independent Audit Committee. Through internal workshops and training with the Office of the Comptroller General, the committee was equipped to carry out its assurance and advisory role to the Chairperson. In addition, the Internal Audit section initiated a review of its mandate and the development of its risk-based audit plan with the objective of improving the effectiveness of the IRB's risk management, control and governance processes. Not subject to the TBS *Policy on Evaluation* as a small department, the IRB actively pursued evaluation projects nonetheless. The external evaluation of the IRB's case scheduling process was completed and an action plan is now under way. Performance measurement of decision quality began in full force and is scheduled to be completed in 2010-11.

SECTION III

SUPPLEMENTARY INFORMATION

FINANCIAL HIGHLIGHTS

Below is a condensed statement of the IRB's financial position as well as a condensed statement of operation. A complete set of financial statements can be found on the IRB's Web site at www.irb-cisr.gc.ca/Eng/brdcom/publications/peren/pages/dpr-rmr10.aspx

For the period ending March 31, 2010

Condensed Statement of Financial Position			
($ Millions)			
	Percentage Variance	**2010**	**2009**
Assets - Total	-53%	12.0	25.5
TOTAL	**-53%**	**12.0**	**25.5**
Liabilities - Total	-19%	28.0	34.7
Equity - Total	-74%	-16.0	-9.2
TOTAL	**-53%**	**12.0**	**25.5**

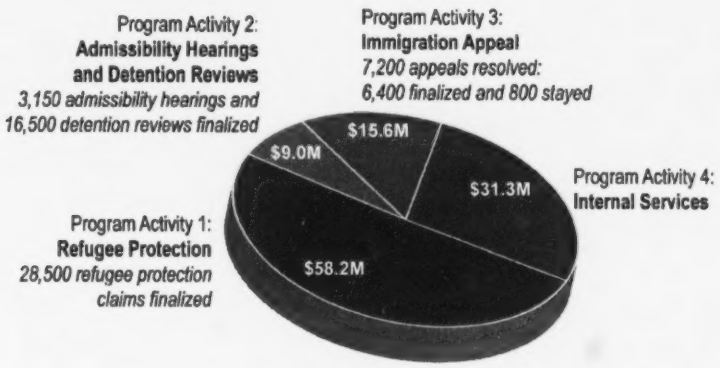
For the period ending March 31, 2010

Condensed Statement of Financial Operations			
($ Millions)			
	Percentage Variance	**2010**	**2009**
Expenses - Total	-2%	141.3	144.6
Revenues - Total	0%	0	0
NET COST OF OPERATIONS	**-2%**	**141.3**	**144.6**

Total assets were $12.0 million at the end of 2009-10, a decrease of $13.5 million (53 percent) from the previous year's total assets of $25.5 million. The decrease was mainly due to the write-off of the net book value of the Integrated Case Management System and to a decrease in the amount due from the Consolidated Revenue Fund resulting from a reduction in accounts payable and accrued liabilities.

Total liabilities were $28.0 million at the end of 2009-10, a decrease of $6.7 million (19 percent) from the previous year's total liabilities of $34.7 million. The decrease was mainly due to a reduction in the year-end salary related accrued liabilities and employee future benefits.

ACTUAL SPENDING BY PROGRAM ACTIVITY



During 2009-10, the IRB's total actual expenditures amounted to $114.1 million which were dedicated to the application of the *Immigration and Refugee Protection Act*. The large majority of these resources was allocated to the conduct of hearings and tribunal operations for the delivery of efficient justice in the cases referred to the Board, in accordance with the law. A smaller portion was dedicated to support services as well as to compliance with government policies and regulations to ensure stewardship of the program activities.

Fiscal year 2009-10 was marked by a large increase in the number of decision-makers to nearly a full complement by the last quarter. From a financial perspective, the previous personnel shortfall had provided the IRB with some flexibility (that came mainly from savings on salaries, benefits and operations) in order to work on short-term business improvement projects. This temporary flexibility disappeared by the end of the reporting period.

With the resources available, the IRB heard and rendered decisions in over 55,000 cases during 2009-10. The quantities, types and costs are illustrated on the diagram above. Overall, this represents a 14 percent increase in the number of decisions rendered over the previous reporting period.

SUPPLEMENTARY INFORMATION TABLES

In accordance with TBS directions, the IRB is also required to provide the following supplementary information tables in electronic format only:

- Green Procurement
- Internal Audits and Evaluations

These tables and all electronic supplementary information tables found in the *2009-10 Performance Report* are available on the TBS Web site at: www.tbs-sct.gc.ca/dpr-rmr/2009-2010/index-eng.asp

OTHER ITEMS OF INTEREST

LEGISLATION ADMINISTERED

Immigration and Refugee Protection Act (S.C. 2001, c. 27, as amended)
Immigration and Refugee Protection Regulations (SOR/2002-227, as amended)
Refugee Protection Division Rules (SOR/2002-228)
Immigration Division Rules (SOR/2002-229)
Immigration Appeal Division Rules (SOR/2002-230)
Oath or Solemn Affirmation of Office Rules (Immigration and Refugee Board of Canada) (SOR/2002-231)

IRB PROCESSES

Visit these links to find out how the IRB processes its cases:

- Refugee Protection Claim Process
  www.irb-cisr.gc.ca/eng/brdcom/references/procedures/proc/rpdspr/pages/rpdp.aspx
- Admissibility Hearing Process
  www.irb-cisr.gc.ca/eng/brdcom/references/procedures/proc/idsi/pages/ahp.aspx
- Detention Review Process
  www.irb-cisr.gc.ca/eng/brdcom/references/procedures/proc/idsi/pages/drp.aspx
- Sponsorship Appeal Process
  www.irb-cisr.gc.ca/eng/brdcom/references/procedures/proc/iadsai/info/pages/sah.aspx
- Removal Order Appeal Process
  www.irb-cisr.gc.ca/eng/brdcom/references/procedures/proc/iadsai/info/pages/roa.aspx
- Residency Obligation Appeal Process
  www.irb-cisr.gc.ca/eng/brdcom/references/procedures/proc/iadsai/info/pages/residenc.aspx

RELATED INFORMATION

UNHCR Web site: www.unhcr.org

CONTACT US

For more information, visit the IRB Web site at www.irb-cisr.gc.ca or contact the IRB's Communications Directorate at 613-947-0803 or one of the IRB offices listed below.

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